

Mary Pitrelli  
 Name 1157225  
 Prison Number FMWCC  
 Place of Confinement

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

Mary Elizabeth Pitrelli Petitioner, )  
 (Full Name) )  
 vs. ) CASE NO. \_\_\_\_\_  
 ) (To be supplied by the Clerk)  
G. NAJERA ET AL Respondent, )  
 (Name of Warden, Superintendent, jailor or )  
 authorized person having custody of petitioner) )  
 and )  
 The Attorney General of the State of Nevada )

PETITION FOR A  
 WRIT OF HABEAS CORPUS  
 PURSUANT TO 28 U.S.C. § 2254  
 BY A PERSON IN STATE CUSTODY  
 (NOT SENTENCED TO DEATH)

1. Name and location of court, and name of judge, that entered the judgment of conviction you are challenging: 8<sup>th</sup> JUDICIAL, CLARK COUNTY, ERIC JOHNSON
  2. Full date judgment of conviction was entered: 04 / 06 / 2016 (month/day/year)
  3. Did you appeal the conviction? \_\_\_ Yes X No. Date appeal decided: \_\_\_ / \_\_\_ / \_\_\_.
  4. Did you file a petition for post-conviction relief or petition for habeas corpus in the state court?  
X Yes \_\_\_ No. If yes, name the court and date the petition was filed: 05 / 19 / 2021  
8<sup>th</sup> JUDICIAL 05 / 19 / 2021. Did you appeal from the denial of the petition for  
 post-conviction relief or petition for writ of habeas corpus? X Yes \_\_\_ No. Date the appeal  
 was decided: 04 / 29 / 2022. Have all of the grounds stated in this petition been presented to the  
 state supreme court? X Yes \_\_\_ No. If no, which grounds have not? \_\_\_\_\_
  5. Date you are mailing (or handing to correctional officer) this petition to this court: \_\_\_ / \_\_\_ / \_\_\_\_.
- Attach to this petition a copy of all state court written decisions regarding this conviction.

6. Is this the first federal petition for writ of habeas corpus challenging this conviction? ☒ Yes  
 \_\_\_ No. If no, what was the prior case number? \_\_\_\_\_. And in what court was  
 the prior action filed? \_\_\_\_\_.
- Was the prior action \_\_\_ denied on the merits or \_\_\_ dismissed for procedural reasons (check  
 one). Date of decision: \_\_\_\_/\_\_\_\_/\_\_\_\_. Are any of the issues in this petition raised in the  
 prior petition? \_\_\_ Yes \_\_\_ No. If the prior case was denied on the merits, has the Ninth  
 Circuit Court of Appeals given you permission to file this successive petition? \_\_\_ Yes \_\_\_ No.
7. Do you have any petition, application, motion or appeal (or by any other means) now pending in  
 any court regarding the conviction that you are challenging in this action? \_\_\_ Yes ☒ No.  
 If yes, state the name of the court and the nature of the proceedings: \_\_\_\_\_.
8. Case number of the judgment of conviction being challenged: C-13-294084-1.
9. Length and terms of sentence(s): 20 - LIFE GUILTY BUT MENTALLY ILL.
10. Start date and projected release date: 09/13/2013 - NEVER. LIFE.
11. What was (were) the offense(s) for which you were convicted: 1<sup>st</sup> DEGREE MURDER.
12. What was your plea? ☒ Guilty \_\_\_ Not Guilty \_\_\_ Nolo Contendere. If you pleaded guilty  
 or nolo contendere pursuant to a plea bargain, state the terms and conditions of the agreement:  
1<sup>st</sup> DEGREE MURDER, GUILTY/MENTALLY ILL 20 - LIFE.
13. Who was the attorney that represented you in the proceedings in state court? Identify whether  
 the attorney was appointed, retained, or whether you represented yourself *pro se* (without counsel).

	Name of Attorney	Appointed	Retained	<i>Pro se</i>
arraignment and plea	<u>ED KANE</u>	<input checked="" type="checkbox"/>	___	___
trial/guilty plea	<u>ED KANE</u>	<input checked="" type="checkbox"/>	___	___
sentencing	<u>ED KANE</u>	<input checked="" type="checkbox"/>	___	___
direct appeal	<u>N/A</u>	___	___	___
1st post-conviction petition	<u>TERRENCE JACKSON</u>	___	<input checked="" type="checkbox"/>	___
appeal from post conviction	<u>TERRENCE JACKSON</u>	___	<input checked="" type="checkbox"/>	___
2nd post-conviction petition	<u>N/A</u>	___	___	___
appeal from 2nd post-conviction	<u>N/A</u>	___	___	___

State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 1

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my SIXTH Amendment right to EFFECTIVE ASSISTANCE, based on these facts:

Defense counsel did not do even the minimal amount of investigation required, failed to pursue other defenses to show lack of intent based on mens rea and intoxication. Defense counsel inadequately prepared defendant pre-plea, and did not have my consent to make a guilty plea until he coerced me to. Defense counsel failed to file any motion to suppress inculpatory and surreptitious statements made. Counsel failed to provide evidence of gross intoxication and did not present evidence of the inability to form intent to commit first degree murder. Defense counsel made no effort to interview witnesses to show lack of intent or collect statements in regards to the event. Counsel did not seek any experts to prove diminished capacity to form intent to murder, only a "mitigation" secretary was employed.

**Exhaustion of state court remedies regarding Ground 1:**

► **Direct Appeal:**

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

\_\_\_ Yes X No. If no, explain why not: I was unaware I needed to  
in a certain amount of time.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

X Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> Judicial DC date petition filed 05 / 19 / 2021

Did you receive an evidentiary hearing? \_\_\_ Yes X No. Did you appeal to the Nevada Supreme Court? X Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue? X Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

\_\_\_ Yes X No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_ / \_\_\_ / \_\_\_

Did you receive an evidentiary hearing? \_\_\_ Yes \_\_\_ No. Did you appeal to the Nevada Supreme Court? \_\_\_ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue? \_\_\_ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or

sentence overturned based on this issue (such as administrative remedies)? \_\_\_ Yes X No. If yes, explain: \_\_\_\_\_

**State concisely every ground for which you claim that the state court conviction and/or sentence is**

unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

## GROUND 2

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my FIFTH Amendment right to ~~NOT INCRIMINATE ONESELF~~,  
based on these facts: DUE PROCESS

The amount of errors and lack of investigation were of such magnitude that this case should be reversed. Defense was ineffective pre-trial, did not do adequate investigation or preparation pretrial.

Exhaustion of state court remedies regarding Ground 2:

► Direct Appeal:



Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

☐ Yes ☒ No. If no, explain why not: I was unaware I needed to in a certain amount of time.

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

☒ Yes ☐ No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> JUDICIAL DC date petition filed 05 / 19 / 2021

Did you receive an evidentiary hearing? ☐ Yes ☒ No. Did you appeal to the Nevada Supreme Court? ☒ Yes ☐ No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue? ☒ Yes ☐ No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a **second** petition for post conviction relief or state petition for habeas corpus?

☐ Yes ☒ No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Did you receive an evidentiary hearing? ☐ Yes ☐ No. Did you appeal to the Nevada Supreme Court? ☐ Yes ☐ No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue? ☐ Yes ☐ No. If no, explain why not: \_\_\_\_\_

► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or

sentence overturned based on this issue (such as administrative remedies)? ☐ Yes ☒ No. If yes, explain: \_\_\_\_\_

**State concisely every ground for which you claim that the state court conviction and/or sentence is unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two**

extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

### GROUND 3

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my FOURTEENTH Amendment right to ONE PROCESS,  
based on these facts:

Defense improperly handled this case, neglected to develop any defense strategies and was ill prepared to engage in a difficult trial - thus coercing defendant to take a deal.  
A mitigation specialist is not a defense strategy. Defense did not act zealously to protect my rights in this case.

#### Exhaustion of state court remedies regarding Ground 3:

##### ► Direct Appeal:

Did you raise this issue on direct appeal from the conviction to the Nevada Supreme Court?

\_\_\_ Yes ☒ No. If no, explain why not: unaware of "time bar"

► **First Post Conviction:**

Did you raise this issue in a petition for post conviction relief or state petition for habeas corpus?

☒ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

If yes, name of court: 8<sup>th</sup> JUDICIAL DC date petition filed 05 / 19 / 2021

Did you receive an evidentiary hearing? \_\_\_ Yes ☒ No. Did you appeal to the Nevada Supreme Court? ☒ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue? ☒ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

► **Second Post Conviction:**

Did you raise this issue in a second petition for post conviction relief or state petition for habeas corpus?

\_\_\_ Yes ☒ No. If yes, explain why: \_\_\_\_\_

If yes, name of court: \_\_\_\_\_ date petition filed \_\_\_ / \_\_\_ / \_\_\_

Did you receive an evidentiary hearing? \_\_\_ Yes \_\_\_ No. Did you appeal to the Nevada Supreme Court? \_\_\_ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_

If yes, did you raise this issue? \_\_\_ Yes \_\_\_ No. If no, explain why not: \_\_\_\_\_


► **Other Proceedings:**

Have you pursued any other procedure/process in an attempt to have your conviction and/or sentence overturned based on this issue (such as administrative remedies)? \_\_\_ Yes ☒ No. If yes, explain: \_\_\_\_\_

**WHEREFORE**, petitioner prays that the court will grant him such relief to which he is entitled in this federal petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 by a person in state custody.



\_\_\_\_\_  
(Name of person who wrote this  
complaint if not Plaintiff)

  
\_\_\_\_\_  
(Signature of Plaintiff)

5-25-22  
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

### DECLARATION UNDER PENALTY OF PERJURY

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.**  
See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at FMWCC on 5-25-22.  
(Location) (Date)

  
\_\_\_\_\_  
(Signature)

1157225  
\_\_\_\_\_  
(Inmate prison number)

U.S. District Court (District of Nevada)  
Nevada

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date: 5.25.22 NO 2580656

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$ 5.00 (Five Dollars <sup>00/100</sup> Dollars).

Please pay to NVCC

Signature M. Pitrelli

Print name Mary Pitrelli

ID No. 1157225

Institution FMVCC

Approved by \_\_\_\_\_

Transfer	Purchase Order	Postage	Other

White  
Canary  
Pink

Inmate Services  
Institution Copy  
Inmate

DOC 509 (Rev.2/06)